

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
May 22, 2001

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:03 p.m., Tuesday, May 22, 2001, in the East Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, and James S. Burgett.

Mr. Ashe and Mr. Wiggins were absent.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

REDISTRICTING PROCESS DISCUSSION

Mr. McReynolds noted the staff had developed five alternatives so far to meet a population balance as required. He asked the Board to review the materials provided to them and provide staff with any suggestions/questions concerning other possible alternatives. He stated that once the Board is comfortable with a set of alternatives, staff could then set up a series of meetings throughout the County to make sure every citizen has ample opportunity to provide input into the redistricting process.

Mr. Wiggins arrived at 6:04 p.m.

Mr. Barnett spoke of the legal considerations for redistricting, including equal population, compactness, and continuity, and race. He stated there was an ideal figure determined for each of the districts that was determined by taking the total population and dividing it by five. The figures for each of the districts may be 5 percent greater or lesser than the ideal figure.

Mr. Ashe arrived at 6:07 p.m.

Mr. Barnett also explained the need for well-defined borders for the districts. He stated that all alternatives developed at this time preserve the incumbents (both the Board of Supervisors and the School Board) in their respective districts to which they were elected, indicating this was not a requirement but was desirable. Mr. Barnett stated it was not possible to create a minority/majority district, and indicated there was no requirement to do so. He stated all alternative plans retain at least one minority-influenced district.

Chairman Burgett asked if staff had taken into account the number of registered voters in each district.

Mr. Barnett stated the requirement calls for use of total population rather than voting-age population.

Mr. Zaremba asked when Mr. Barnett and staff proposed to bring this topic back up for discussion. He stated he sees a need at some point to have one or more work sessions to get at the rationale behind the proposed changes.

Mr. McReynolds stated what staff would like to see is the Board members review the plans, develop any questions, and individually discuss them with staff. At that time staff will come up with additional alternatives, if necessary, and a work session will be scheduled on the alternatives and deciding which ones to forward to the public.

Mr. Zaremba asked what the timeframe would be.

Chairman Burgett stated the redistricting process would not be voted on until after the November elections.

Mr. McReynolds indicated that if the Board agreed with the general concept as presented at this time, staff would provide the Board with a schedule as soon as possible.

Mr. Tim Cross, Principal Planner, gave a brief overview as to why the County must go through the redistricting process. He displayed for the Board members the changes in the population growth during the past 10 years, noting the dramatic increases in Districts 2 and 5.

Mr. J. Mark Carter, Planning and Zoning Manager, stated the Planning staff tried to follow physical boundaries that were recognizable and, in some cases, felt they eliminated some of the inadequacies of the current plan. As the Board has an opportunity to look at the alternatives and develop questions, the staff will be able to respond much better than it did 10 years ago because of the new mapping technology. He spoke of the public meetings that would be held, noting the plan was to use the VDOT-type open informational meeting rather than a public hearing-type meeting. He indicated the proposal was to hold these meetings in at least five locations throughout the County in order to get good coverage and meet in convenient places.

Mr. Wiggins questioned the reason that District 1 runs from the top of the Bruton district down through Marlbank.

Mrs. Noll indicated District 1 was established in this manner to establish a minority-influenced district.

Discussion followed on the 1990 citizen committee recommendation for a seven-member Board of Supervisors in order to establish a minority/majority district and Justice Department criteria for redistricting.

COMPREHENSIVE PLAN AMENDMENTS (CHESAPEAKE BAY ACT)

Mr. McReynolds indicated additional language was needed in order for the County's Comprehensive Plan to be accepted by the state regarding the Chesapeake Bay Act. He stated that necessary amendments had been prepared and were reviewed with the Chesapeake Bay Local Assistance Department (CBLAD). A public hearing is scheduled for June 5 on the amendments.

Mr. Carter provided the Board with background information on the Chesapeake Bay Act and its requirements affecting the County's Comprehensive Plan. The County adopted its Bay Act ordinance requirements in September of 1990 and was one of the first in the state to do so. In 1991 the Comprehensive Plan was adopted, and it included extensive information about environmentally sensitive areas, including the Chesapeake Bay. The Plan was submitted to the state for its review, and in 1993 CBLAD indicated the County's plan was in good shape except it needed to address three things: 1) groundwater contamination sources; 2) shoreline and stream bed erosion; and 3) the issue of appropriate density of docks and piers and public and private access points to the water. The County was asked to address this in the next Comprehensive Plan review process that was completed in 1999. Unfortunately, CBLAD still did not find the County's plan consistent. Mr. Hudgins and the Environmental and Development Services staff have been working for the past 6-8 months to compile all the information that CBLAD requires which is what the Board has in the materials given to them this evening. He noted that these amendments back up things that are already being done in the County's ordinances. Mr. Carter explained that the Board had been given copies of three separate reports that had been compiled into one that is a very extensive series of information on the three deficient items. Also provided to the Board was a separate document that shows the recommended goal and implementation strategy statements and comments to indicate the purpose of the statement and how it relates to an ordinance or other activity. Mr. Carter then reviewed the significant items contained in the amendments, one being a recommendation (a policy change) to include a requirement that mandates connection to available public water when a well has failed.

Discussion followed regarding failed wells.

Mr. John Hudgins, Director of Environmental and Development Services, stated he did not feel this requirement was an attempt to keep people from digging wells.

Mr. Ashe indicated there were a number of situations in the County where there were lanes going back great distances with lots off of the lane. He stated this situation needed to be looked at, and he suggested that a minimum footage be considered in determining where water is "available."

Mr. McReynolds indicated that for sewer there were two tests: the line is at or near the property line and improvements are within 300 feet. He stated that possibly the same tests could be used for water.

Mr. Carter then reviewed the other changes, stating some language had been beefed up concerning parks and recreation planning; and there were statements to propose amendments to the erosion and sediment control ordinance, as well as some information on a stormwater management ordinance because of the impending Phase II of the stormwater requirements.

Mr. Hudgins stated staff will have to apply for an NPDES permit in July of 2003, and they were asking how it would affect homeowner associations that have stormwater responsibilities. The County is in good shape because of the Chesapeake Bay Act and overlays. The Drainage Committee is also a big plus for the County. He stated there are a number of things that the County was doing today that would lead the County into Phase II of the Stormwater Regulations.

Mr. Wiggins stated the County does not have a lot of industrial areas that produce a lot of contaminating runoff, and this will help the County when Phase II is implemented.

Mr. Carter indicated the materials provided the Board this evening will be referenced as an appendix to the Comprehensive Plan.

YORKTOWN COMMONS PROPERTY INFORMATION UPDATE

Mr. McReynolds indicated staff has not been able to move as quickly on this issue as it had hoped. The agreement with the Trustees was just signed, and Mrs. Mathews' property was just transferred to the Jamestown/Yorktown Foundation. No word has been received yet on the grant applications that have been submitted. He proposed that the Board not make decisions on the issue of the Commons property until the staff has some certainty about the information the Board needs on which to make a decision. He stated it would be well into the fall before staff could provide this information.

Mrs. Noll stated the first focus should be the wharf.

Mr. McReynolds noted his agreement, but stated the timing of some of the grant funding could change that.

Mrs. Noll asked if grant funding could be used for debt service on the projects.

Mr. McReynolds indicated it could not. The grant money would potentially free up funding otherwise to be used on the projects for debt service. The grant funding cannot be used for reimbursement for work already accomplished. He stated that staff was not ready to come to the Board and make recommendations because they do not have a clear picture of all the issues at this time.

Mrs. Noll stated she did not want to jeopardize the improvements being completed by 2006.

Mr. McReynolds stated he did not feel the timeline will be jeopardized.

Mr. Zaremba questioned the land left to the Jamestown/Yorktown Foundation, asking how the property fits in with the County's plans.

Mr. McReynolds indicated the property includes the buildings and improvements on the property to the left (west) of the old post office. The County is now in a better position to talk to the Foundation about how the property will develop.

Mr. Zaremba asked what properties were included in the term "commons."

Mr. McReynolds stated it referred to most of what was once the Granger property between Ballard and Buckner Streets.

Mr. Zaremba expressed his concern that there was no companion financial plan to the Yorktown Master Plan. He asked what was the economic return on the project, and what was the role of the Office of Economic Development in its planning.

Mr. McReynolds explained the return will come from tourism and the retail space to be located on the waterfront. The Office of Economic Development was involved in the development of the Yorktown Master Plan. He noted that the Plan was not an economic development project,

May 22, 2001

but a revitalization project, and it was never looked at that the economic development derived from it would pay for the improvements.

Chairman Burgett stated the money that is being used for this project has to be used for tourism purposes and is an amount that would be very difficult to use from general tax revenues.

Mr. Zaremba indicated that perhaps the project should be looked at as an economic development project. In other revitalized communities, there is a return on the localities' investments.

Mr. McReynolds stated this was the type of information that the staff was looking for from the Board. Staff also needs to start looking at what sorts of businesses actually want to locate in Yorktown.

Mr. Wiggins spoke concerning a parking problem in Yorktown. At the present time the businesses now located in Yorktown do not have to furnish their own parking. All the rest of the businesses in the County have to furnish parking. He asked that this topic be placed on the first available work session agenda for further discussion.

Mr. McReynolds noted that given the fact that parking in Yorktown is a key and sensitive issue, the Board might want to conduct a comprehensive study and incorporate it with the Master Plan.

Mr. Ashe stated parking was a very broad issue. He noted his understanding that the County was going to run curb in front of The Pub and Water Street Landing restaurants and put in parking at the Archer Cottage. He stated that installing the curb there would take away the owner's ability to provide parking.

Mr. Robert S. Kraus, Director of Yorktown Revitalization, stated that technically the parking for The Pub is not on-site but is in the right-of-way. A new ordinance could grandfather the existing businesses. He stated if the Board wanted to require businesses to provide parking, it could be done through some sort of use permit in order to provide flexibility.

Mr. Zaremba spoke of the need for parking in Yorktown this Memorial Day weekend. He stated there was public parking in the village, but the public did not know about it. He asked that signs be erected on the public areas to identify parking areas to visitors.

Discussion followed on current trolley signage being used in Yorktown.

CLOSED MEETING. At 7:25 p.m. Mr. Wiggins moved that the Board convene in Closed Meeting pursuant to Section 2.1-344(a)(7) of the Code of Virginia to receive legal counsel on certain matters.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

Meeting Reconvened. At 7:35 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED
SESSION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 22nd day of May, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

Meeting Adjourned At 7:36 p.m. Chairman Burgett declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors